



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

July 25, 2005

Memorandum

TO: State Board of Education
FROM: Michael P. Flanagan, Chairman
SUBJECT: Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since June 14, 2005, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

Attachment

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0931 -05 -OSE/EIS Clinton County Regional Educational Service Agency

Exemptions: None

Administrative Rule: 340.1738(b) - Severe Cognitive Impairment

Waiver Synopsis:

Reduce the instructional year for classrooms for the severely cognitive impaired from the current 230-day requirement to 201 days while continuing to exceed the clock hour requirement (required 1,150 clock hours, but will provide 1,219.5 clock hours).

District Rationale:

- Year-round program supports continuation of student function/performance in order to eliminate regression of current goals/objectives.
- Proposed summer calendar addresses student and family needs by providing sufficient time for students to eat or be fed prior to leaving on the bus; time to administer medications on physician-prescribed schedules; more opportunity to work on gross/fine motor skills by program staff; more time in the day to address IEP-related goals and objectives; parents indicated the increase in time allows them an opportunity to make appointments and run errands.
- Programming will not be interrupted for more than 2 weeks and 1 day, or 11 school/business days, at any given time which reduces concerns for regression.
- Proposal promotes effective and efficient programming.
- All parties having a stake in this waiver support it.

Action:

Approve, noting the instructional program will have no breaks greater than 11 business days. Upon completion of the waiver period, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval through June 30, 2006